

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MANISELA VINCENT PRESCOTT,

Defendant.

CASE NO. CR14-5526BHS

ORDER

This matter comes before the Court on Defendant's Motion for a Continuance of Trial and for an Extension of Time Within Which to File Pretrial Motions. The Court, having considered the unopposed motion, the declaration of defense counsel in support of the motion and the Defendant's speedy trial waiver, makes the following findings of fact and conclusions of law:

1. Defense counsel indicates discovery has not yet been provided, and after it is received counsel will need time to review the discovery and to research and evaluate pretrial motions.

2. The defense needs additional time to explore all relevant issues and defenses applicable to the case, which would make it unreasonable to expect adequate preparation for pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act and currently set for this case. 18 U.S.C. § 3161(h)(7)(B)(ii).

1 3. Taking into account the exercise of due diligence, a continuance is necessary to allow
2 the defendant the reasonable time for effective preparation his defense, to explore resolution of
3 this case before trial and to ensure continuity of defense counsel. 18 U.S.C. § 3161(h)(7)(B)(iv).

4 4. Proceeding to trial absent adequate time for the defense to prepare would result in a
5 miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(i).

6 5. The ends of justice served by granting this continuance outweigh the best interests of
7 the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A) and (B).

8 6. Defendant waived speedy trial through May 31, 2015.

9 NOW, THEREFORE, IT IS HEREBY ORDERED

10 That the trial date is continued from January 6, 2015, to April 14, 2015, at 9:00 a.m.;
11 Pretrial Conference is set for April 6, 2015, at 2:30 p.m.; pretrial motions are due by March 5,
12 2015. The resulting period of delay from December 12, 2014, to April 14, 2015, is hereby
13 excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(7)(A) and (B)

14 Dated this 18th day of December, 2014.

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17 BENJAMIN H. SETTLE
18 United States District Judge
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